



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/679,456	10/04/2000	Stephen A. Rago	3728-109US	7545

26161 7590 02/21/2003

FISH & RICHARDSON PC
225 FRANKLIN ST
BOSTON, MA 02110

EXAMINER

HAMILTON, MONPLAISIR G

ART UNIT	PAPER NUMBER
----------	--------------

2172

DATE MAILED: 02/21/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/679,456

Applicant(s)

RAGO, STEPHEN A.

Examiner

Monplaisir G Hamilton

Art Unit

2172

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 December 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-3, 6-9, and 11-32 are pending. The communication filed on 12/23/02 amended claim 6. Claims 1-3, 6-9, and 11-32 remain for examination.

Response to Arguments

2. Applicant's arguments filed 12/23/02 have been fully considered but they are not persuasive.

Applicants specifically argue "these techniques do not teach or suggest "reading a formal description of the file system by said client from said disc storage device, wherein said client can read and write data to and from said disc storage device without requiring further knowledge of said file system" as recited in claim 1...in the current application, a client reads a "formal description of a file system" so that the client can directly access a storage means without requiring further knowledge of the file system or the use of an intervening server. Thus, the Crouse patent fails to teach or suggest having a client read "a formal description of the file system by said client from said disc storage device, wherein said client can read and write data to and from said disc storage device without requiring further knowledge of said file system" as recited in claim 1."

Applicant essentially argues that Crouse does not disclose the claimed "reading a formal description of the file system by said client from said storage device, wherein said client can read and write data to and from said disc storage device without requiring further knowledge of said file system." Examiner however disagrees; Crouse discloses the AFS control program provides user programs with transparent access to remote files, which are stored on removable storage media (col 19, lines 30-35). Crouse further discloses resource files, which contain access information that identify a specific entity of removable storage (col 19, lines 40-45). This

Art Unit: 2172

resource file is used by a client application to gain direct access to a file (col 8, lines 59-62; col 20, lines 40-60) stored on removable storage. The resource file as disclosed by Crouse is essentially the same as the claimed formal description of the file system because they both allow the client to determine which blocks to access during a read/write operation (spec, page 11, lines 23-25). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the teaching of Stakuis such that a formal description is used to access the file without any other information from the files system. One of ordinary skill in the art would have been motivated to do this because it would allow direct access to a removable storage device without staging the file (col 8, lines 60-65).

Applicant further argues, "the administrative information includes file mappings governing the physical location at which the data is stored on the peripheral device and are obtained from the second node. (See column 2, lines 59-61) ...Such administrative information is not equivalent to "a description of a file system associated with a storage resource" as recited on claim 16. Thus, in the Stakuis patent, the first node acquires information associated with file mappings of an individual file requested by the first node and not a description of a file system associated with a storage resource as recited in claim 16. The applicant respectfully asserts that the cited references fail to teach or suggest "acquiring a description of a file system associated with a storage resource, and reading or writing directly to the storage resource based on the description" as recited in claim 16. Moreover, the techniques of the Stakuis patent fail to teach or suggest "reading or writing directly to the storage resource based on the description" as recited in claim 16, because Stakuis requires participation of the server to interpret the file system format."

Examiner however disagrees; Stakuis discloses that the mapping information is stored on the client computer (col 3, lines 1-4). Stakuis further discloses during reads or write a global data structure is accessed to determine if the request is directed to a file for which mapping

Art Unit: 2172

information is present. If so, previously stored map is interrogated to determine the physical blocks needed from the device to fulfill the request (col 10, lines 25-35). Stakuis further discloses that the direct interconnection pathway is used thereby eliminating network transactions (col 10, lines 28-34). Furthermore Stakuis disclose the file map is a representation of a file system (col 6, lines 49-55). Therefore examiner holds Stakuis's disclosure of a client's use of a file map anticipates the claimed "acquiring a description of a file system associated with a storage resource; and reading or writing directly to the storage based on the description".

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., the description of a file system as recited in claim 16 does not require the client to change as the file system format changes, because the formal description that is stored in the disk will change as the file system changes. (See page 11, lines 21-23 of the application) The description of the file system also allows the client to access data from the disc resource without further knowledge of the file system. (See claim 1 of the present invention)) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Claim Rejections - 35 USC § 102

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims 16-32 are rejected under 35 U.S.C. 102(a) as being anticipated by US Patent 5950203 issued to Stakuis.

Referring to Claims 16-32 please see prior office action.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. Claims 1-2, 11-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 5950203 issued to Stakuis et al, herein referred to as Stakuis further in view of US Patent 5764972 issued to Crouse et al, herein referred to as Crouse.

Referring to Claims 1-2 and 11-12 please see prior office action.

5. Claims 3, 6-9 and 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stakuis in view of Crouse as applied to claim 1-2 11-12 above, and further in view of Bach.
- Referring to Claims 16-32 please see prior office action.

Referring to Claims 3, 6-9 and 13-15 please see prior office action.

Art Unit: 2172

Final Rejection

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Art Unit: 2172

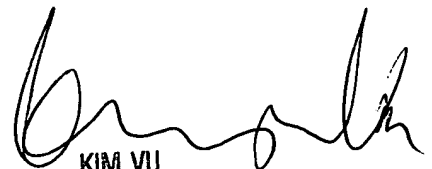
Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Monplaisir G Hamilton whose telephone number is 1703-305-5116. The examiner can normally be reached on Monday - Friday (8:00 am - 4:30 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Y Vu can be reached on 1703-305-4393. The fax phone numbers for the organization where this application or proceeding is assigned are 1703-746-7239 for regular communications and 1703-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 1703-305-3900.

Monplaisir Hamilton
February 13, 2003


KIM VU
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100